The rejections of the claims over *Mayer et al.* or *Weitzel* under 35 U.S.C. § 102(b) have been maintained, as has the rejection under 35 U.S.C. § 103(a) over *Nakamae*.

On page 3, the Examiner states that the feature Applicants rely on, the use of hydrolyzed ethylene-vinyl acetate copolymers as protective colloid during spraying, is not recited in the rejected claims. This is incorrect. Claim 1 is recited below with the relevant portions bolded. The bolded portions clearly indicate that the partially hydrolyzed EVA copolymers are used as a protective colloid during polymerization, and that further protective colloid is added before drying. Near the end of the claim, it is indicated that the protective colloids referred to are partially hydrolyzed EVA copolymers, i.e. both the protective colloid present during polymerization and that added for drying, are partially hydrolyzed EVA copolymers.

> 1. A process for the production of a protective-colloid-stabilized base polymer in the form of a water-redispersible powder, said polymer comprising a homo- or copolymer of one or more monomers selected from the group consisting of vinyl esters of optionally branched alkyl carboxylic acids having from 1 to 15 carbon atoms, (meth)acrylic esters of alcohols having from 1 to 15 carbon atoms, vinylaromatics, olefins, dienes, and vinyl halides wherein said polymer is prepared by emulsion polymerization or suspension polymerization **in the presence of a protective-colloid** and **drying of the polymer dispersion thus obtained after addition of further protective colloid, wherein partially hydrolyzed vinyl acetate-ethylene copolymers** with an ethylene content of from 1 to 15 mol%, with a degree of hydrolysis DH of the vinyl acetate units of 80 mol% < DH < 95 mol%, and with a Höppler viscosity, in 4% by weight aqueous solution, of from 2 to 30 mPas, as measured by the Höppler method at 20°C, according to DIN 53015, **are used as protective colloids**.

If the Examiner believes that the claim reads otherwise, Applicants will amend the claim accordingly. A possible amended claim is set forth below, with the additional language underlined for the convenience of the Examiner. If the Examiner wishes, claim 1 may be so amended by Examiner's amendment. However, Applicants believe that the claim as written is clear in this respect already. Applicants believe that if the claims are not found allowable, Applicants and the Examiner should at least agree on the scope of the claim for purposes of appeal.

> 1. A process for the production of a protective-colloid-stabilized base polymer in the form of a water-redispersible powder, said polymer comprising a homo- or copolymer of one or more monomers selected from the group consisting of vinyl esters of optionally branched alkyl carboxylic acids having from 1 to 15 carbon atoms, (meth)acrylic esters of alcohols having from 1 to 15 carbon atoms, vinylaromatics, olefins, dienes, and vinyl halides wherein said polymer is prepared by emulsion polymerization or suspension polymerization in the presence of a protective-colloid and drying of the polymer dispersion thus obtained after addition of further protective colloid, wherein partially hydrolyzed vinyl acetate-ethylene copolymers with an ethylene content of from 1 to 15 mol%, with a degree of hydrolysis DH of the vinyl acetate units of 80 mol% < DH < 95 mol%, and with a Höppler viscosity, in 4% by weight aqueous solution, of from 2 to 30 mPas, as measured by the Höppler method at 20°C, according to DIN 53015, are used as protective colloids <u>both during emulsion preparation and as a further protective-colloid added for drying</u>.

It may also be noted that the claims are addressed to one skilled in the art of redispersible polymer powders. Those skilled in this art are well aware that unless protective colloids are added prior to drying, that the powders obtained cannot be <u>re</u>dispersed, i.e. they will not be redispersible powders as that term is known in the art. However, the use of partially hydrolyzed EVA copolymers as protective colloids both during polymerization as well

as during spray drying is not disclosed by the prior art, nor does the prior art teach or suggest such. *Mayer* '403, for example, mentions partially hydrolyzed EVA copolymers as protective colloids during emulsion polymerization in column 5, lines 10 - 65. However, when discussing the further protective colloid added prior to drying (col. 6, line 58 to column 7, line 15), partially hydrolyzed EVA copolymers are conspicuously absent.

None of the art discloses, teaches, or suggests use of partially hydrolyzed EVA copolymer for both polymerization and drying. Withdrawal of the rejections of record is solicited.

Respectfully submitted,

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